

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 21874PCT		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU2003/000360</b>	International Filing Date (day/month/year) 26 March 2003	Priority Date (day/month/year) 26 March 2002	
International Patent Classification (IPC) or national classification and IPC Int. Cl. <sup>7</sup> A47B 53/02, 96/00			
Applicant GLIDESTORE FREETRACK PTY LTD et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 11 August 2003	Date of completion of the report 20 July 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  DAVID LEE Telephone No. (02) 6283 2107

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/000360

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☐ the international application as originally filed.
- ☒ the description, pages 1-6, as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☒ the claims, pages , as originally filed,  
pages 7-9, as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- ☒ the drawings, pages 1-5, as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages .
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*

*\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report*

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/000360

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 3, 4, 6, 9, 11, 16, 17	YES
	Claims 1, 2, 5, 7, 8, 10, 12-15	NO
Inventive step (IS)	Claims 6, 9, 16, 17	YES
	Claims 1-5, 7, 8, 10-15	NO
Industrial applicability (IA)	Claims 1-17	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

D1: DE 1258344 (THIEME) 4 January 1968 (New Citation)

D2: AU 76190/98

D3: EP 0779047

D4: GB 934891

**NOVELTY:**

1. Claims 1, 7, 10, 12-15 are not novel in the light of D1, that discloses all the claimed features. For example, with reference to figures 1 and 2 claim 1 is disclosed as follows:

- A drive mechanism for a body - column 1, lines 1-5
- A plurality of load bearing track engaging wheels - wheels: items 3, 4; track: items 5, 6
- An actuator attached to the body - items 14, 15, 16
- Non load bearing drive wheel - gear wheel 8
- Drive wheel engages a surface adjacent said body - the drive wheel engages the rack 10 adjacent the body
- Drive wheel and actuator located on the same side of the track - both are located on the left hand rail
- Drive coupling means to cause rotation of the drive wheel - pin 16a and cog 14 as shown in figure 2

2. Claims 1, 2, 5, 8, 12 are not novel in the light of D2, that discloses the claimed features. For example claim 1 is disclosed as follows:

- A drive mechanism for a body - page 2, lines 23-30, figure 2, items 24, 26, 20
- A plurality of load bearing track engaging wheels - wheels: figure 2, 3, items 10; track: items 2, 4
- An actuator attached to the body - motor (24)
- Non load bearing drive wheel - page 5, lines 17-20, item 28 (note, that there will be a small component of the load transferred to driving wheel 10 which enables the wheel to maintain traction on the rail - this is no different to the disclosure of the present invention - see also discussion at item 1 of Box VIII)
- Drive wheel engages a surface adjacent said body - the drive wheel engages the rail adjacent the body
- Drive wheel and actuator located on the same side of the track - figure 1, both are located on the under side of the track

Drive coupling means to cause rotation of the drive wheel - gearbox (26), figure 1.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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## VI. Certain documents cited

## 1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date ( valid claim) (day/month/year)
P,Y JP 2002265017	18 September 2002	12 March 2001	12 March 2001

## 2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The claims do not appear to be fully supported by the description. It is claimed that the drive wheel is "non-load bearing". However, it is clear in the described embodiment of the invention, for the drive wheel (24) to frictionally engage the linear strip (26), a downward force is required on the drive wheel. This is supplied by a compression spring (30). As a consequence, some load is borne by the drive wheel. In comparison to the load of the shelf units, this load may be quite small, nevertheless, some load must be carried in order to maintain traction, and so the drive wheel is not "non-load bearing".